

October 24, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: **Written Ex Parte Communication**
WP Docket No. 15-32, RM-11572, Creation of Interstitial 12.5 kHz Channels in the
800 MHz Band Between 809-817/854-862 MHz

Dear Ms. Dortch:

Our client, Telephone Connection, LLC (“Telephone Connection”) supports creating additional capacity in the 800 MHz band by permitting entities to license interstitial 12.5 kHz wide channels between the 25 kHz wide channels now specified in the rules, as the Commission proposes in the above-referenced proceeding.^{1/}

However, as the Commission recognizes, doing so now will add complexity to, and interfere with, the ongoing 800 MHz rebanding process.^{2/} Accordingly, the Commission proposes to only make interstitial channels in the Mid-Band available for licensing in any public safety region after rebanding is completed in that region. It proposes to announce by Public Notice when licensing of interstitial channels would begin in each region.^{3/}

Telephone Connection agrees with this important limitation. Existing licensees are in the best position to satisfy the protection criteria that the Commission proposes to establish for adjacent 25 kHz channels. And, permitting existing licensees to take advantage of licensing interstitial channels will allow them to create additional capacity, particularly in spectrum-constrained areas. Yet, until the rebanding process is complete, the 800 MHz landscape will be uncertain. Incumbent licensees may not be authorized for the channels they will ultimately use meaning: 1) they will not be able to take advantage of the licensing opportunity that the interstitials may present; and 2) they will be unable to assess, and potentially object to, others’ applications that may impact their future spectrum assignments. Accordingly, the Commission should adopt its proposal not to permit use of interstitial channels in the Mid-Band until 800 MHz rebanding is completed. Telephone Connection requests that the restriction be incorporated in the rules so that there is no uncertainty regarding when Mid-Band interstitial channels are available.

^{1/} *Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 809-817/854-862 MHz*, 30 FCC Rcd. 1663 ¶14 (2015).

^{2/} *Id.* ¶18.

^{3/} *Id.*

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Finally, the Commission should clarify when it will consider rebanding complete in a public safety region for purposes of determining when applications may be submitted for interstitial channels. Those applications should not be accepted until *all* licensees that are subject to rebanding and that have entered into a Frequency Reconfiguration or similar agreement have completed *all* steps contemplated by those agreements. In the case of Telephone Connection and several other licensees, the Commission has effectively extended the time by which it will be licensed for replacement channels (and during which it will continue to be licensed for incumbent channels) and will put those replacement channels into operation – a process requested by Sprint Corporation in order to facilitate the rebanding of other licensees.^{4/} It will likely be several additional years before all the conditions in the Frequency Reconfiguration Agreement into which Telephone Connection entered will be satisfied – including the installation and deployment of the frequencies to be assigned (but which have not yet been assigned) to Telephone Connection. The Commission should make clear that a Public Notice announcing the availability of Mid-Band interstitial channels will not be issued until *all* steps contemplated by Frequency Reconfiguration or similar agreements have been performed.

Telephone Connection appreciates the Commission's attention to this important matter. If there are questions, the Commission should contact the undersigned directly.

Respectfully submitted,

/s/ Russell H. Fox

Russell H. Fox

^{4/} Letter from Michael J. Wilhelm, Deputy Chief – Policy and Licensing Division, Public Safety and Homeland Security Bureau, to Russell H. Fox, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. and James B. Goldstein, Senior Counsel, Sprint Corporation, 29 FCC Rcd. 13834 (Nov. 12, 2014).